

## UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

v.

Cleveland Nelson

Case No: 3:94-CR-57-2H

USM No: 15365-056

Date of Original Judgment: June 15, 1995

Date of Previous Amended Judgment:

(Use Date of Last Amended Judgment if Any)

James A. Martin

Defendant's Attorney

**AMENDED ORDER REGARDING MOTION FOR SENTENCE  
REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(1)(B)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(1)(B) for a modification of an imposed term of imprisonment to the extent otherwise expressly permitted by statute and as provided by Section 404 of the First Step Act of 2018, and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 360 months is reduced to 360 months \*.

(Complete Parts I and II of Page 2 when motion is granted)

Counts 1, 4, 5, and 6 are each reduced to 240 months. However, the terms are imposed consecutively to the point that the total term reaches 360 months in accordance with USSG 5G1.2(d). The terms of supervised release are reduced to 3 years in Counts 1, 4, 5, and 6, all to run concurrently.

This order is being amended for clear error on motion of the defendant to the order entered on May 9, 2019 [DE #395].

The total term remains at 360 months, but the court notes the statutory maximum is 240 months for Count 1, 4, 5, and 6.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

Except as otherwise provided, all provisions of the judgment(s) dated June 15, 1995, shall remain in effect. **IT IS SO ORDERED.**

Order Date: 5/23/2019



Judge's signature

Effective Date: (if different from order date)

Malcolm J. Howard Senior U.S. District Judge  
Printed name and title